

a²
cont amino acids and salts thereof, urea and glycinebetaine; and

(B) at least one sesquiterpene alcohol.

SUPPORT OF THE AMENDMENT

Support for claim 3 is found on page 5, line 16 of the specification. Support for claim 4 is found on page 7, line 15 of the specification. Support for claim 5 is found on page 7, line 19 of the specification. Support for claim 6 is found on page 7, line 19 of the specification. Support for claims 7-10 and 12 and the amendment to claim 1 is found on page 11, Table 1 of the specification. Support for claim 11 is found in example 4 appearing on pages 13 and 14 of the specification. Support for claim 13 is found on page 5, line 3 of the specification. Support for claim 14 is found in claim 1 as amended and on page 14, lines 8-12 of the specification. No new matter would be added to this application by entry of this amendment.

Upon entry of this amendment, claims 1-14 will now be active in this application.

REQUEST FOR RECONSIDERATION

The present invention is directed to a cosmetic composition having an effect for alleviating rough or moisture-lost skin and for improving the condition of dry or sensitive skin.

Applicant wishes to thank examiner Berman and Supervisory Primary Examiner Moezi for the helpful and courteous discussion held with his U.S. representative on April 4, 2002. At that time, applicant's U.S. representative argued that addition of a sesquiterpene alcohol to a moisturizing composition provided for improved moisturization. The following is intended to expand upon the discussion with the examiner.

The use of cosmetic compositions to improve the condition of dry and/or sensitive

skin has been a common practice for many years. However, effective delivery of moisturizing agents to the epidermis layer of skin can still be improved.

The present invention addresses this problem by providing a cosmetic composition comprising a moisture retaining component selected from the group consisting of amino acids and salts thereof, urea and glycinebetaine, and at least one sesquiterpene alcohol. Applicant has discovered that the addition of a sesquiterpene alcohol to a cosmetic composition which comprises a moisture retaining component to improve the moisturizing effectiveness of the composition. Such a composition is nowhere disclosed or suggested in the prior art of record.

As evidence of the improved moisturizing effects from the claimed composition, the examiner's attention is directed to Tables 1 and 2 and examples 2-4 appearing on pages 11-14 of applicant's specification.

Table 1, demonstrates different moisturizing compositions containing isostearyl glyceryl ether, sorbitan monostearate, 2-octyldocetyl myristate, squalene, glycerine and water to which a moisturizer, sesquiterpene alcohol or both has been added. For the examiner's convenience a portion of the data is reproduced below:

	invention compound				comparative compound		
	1	2	3	4	1	2	3
arginine	3	3	3	3	10	-	-
Patchouli oil	5	-	-	2.5	-	5	-
cedar wood oil	-	5	-	2.5	-	5	-
cedrol	-	-	5	-	-	-	-
isostearyl glyceryl ether	2	2	2	2	2	2	2
sorbitan monostearate	2	2	2	2	2	2	2
2-octyldodecyl myristate	10	10	10	10	10	10	10
squalene	5	5	5	5	5	5	5
glycerine	5	5	5	5	5	5	5

purified water	balance	balance	balance	balance	balance	balance	balance
improved degree of rough or moisture-lost skin	4.5	4.5	4.8	4.9	1.8	2.5	0.8
Skin condition regulator	4.5	4.2	4.6	5.0	2.2	1.9	1.0

Comparative example 1 contained a moisture retaining component of arginine, comparative example 2 contained a sesquiterpene alcohol in the form of a mixture of patchouli oil and cedar wood oil while comparative example 3 contained neither. In all cases, the degree of improvement of rough or moisture-lost skin was low as well as the skin condition regulation.

In contrast, examples 1-4 which contained both the moisturizing agent and a sesquiterpene alcohol demonstrated increased improvement in the degree of rough or moisture-lost skin as well as improved skin condition regulation.

Applicant further note that the demonstration of improved moisturizing with the amino acid of alanine is predictive of the moisturizing effects to be observed with other amino acids in combination with a sesquiterpene alcohol as the use of amino acids as moisturizers is known in the art as evidenced from the attached portion from "*Harry's Cosmetology*, seventh edition". As the use of amino acids as moisture retaining agents is generically known, there would be no expectation for other amino acid moisture retaining agents to behave in any significantly different manner.

Additional evidence of improved performance resulting from the combination of moisture retaining component and sesquiterpene alcohol is found on page 12, Table 2, reproduced below

	invention compound			
	1	2	3	4

glycinebetaine	0.1	0.1	0.1	0.1
Patchouli oil	0.5	-	-	0.25
cedar wood oil	-	0.5	-	0.25
cedrol	-	-	0.5	-
isostearyl glyceryl ether	2	2	2	2
sorbitan monostearate	2	2	2	2
2-octyldodecyl myristate	10	10	10	10
squalene	5	5	5	5
glycerine	5	5	5	5
purified water	balance	balance	balance	balance
improved degree of rough or moisture-lost skin	4.1	4.0	4.0	4.2
Skin condition regulator	3.7	4.1	3.6	4.4

The data demonstrated high degrees of improvement in rough or moisture-lost skin and skin condition regulation for the combination of moisture retaining component, in the form of glycinebetaine in combination with a sesquiterpene alcohol. The improved performance is in excess of the performance of a sesquiterpene alcohol alone, or in the absence of either a moisture retaining component or sesquiterpene alcohol.

Examples 2, 3 and 4 illustrate composition containing sodium pyrrolidonecarboxylate, lactic acid and urea respectively as the moisture retaining component. Thus, Applicant has demonstrated improved moisturizing properties for the composition as claimed, a result which is not suggested by the cited references.

The rejections of claim 1 under 35 U.S.C. §102(b) over JP 10-279,417 and of claims 1 and 2 under 35 U.S.C. § 102(b) over WO 99/33443 and U.S. 5,968,539 are respectfully traversed.

None of the cited reference disclose or suggest improved moisturizing effects for the claimed combination of moisture retaining component and sesquiterpene alcohol.

JP '417 describes an external skin preparation having microbe inhibiting activity comprising a phenoxyethanol and bisaabolol, a sesquiterpene alcohol. Additional materials which may be added include a U.V. absorber, a sequestering agent such as alanine and/or a moisturizer such as a polyethylene glycol. Nowhere in the reference is a composition containing both a moisture retaining compound as claimed and a sesquiterpene alcohol. Accordingly, the claimed invention is not anticipated by the disclosure of this reference. Moreover, since the reference does not suggest any moisturizing effects, the results as to moisturization for the claimed composition can not be suggested. Applicant encloses herewith an English language translation of JP '417.

WO '443 describes a gel composition for the skin in which Dead Sea water is the primary component. Additional components are hydrophobic and/or hydrophilic agents, solubilizers, gelling agents, viscosity modifiers and water. The materials which may act as a hydrophilic active agent are numerous and may include α -hydroxy acids such as citric acid, lactic acid and glycolic acid. There is no specific teaching of adding a sesquiterpene alcohol, however, on page 6, is a description of adding antioxidants and fragrances such as synthetic fragrances or an aromatic oil such as lavender oil, patchouli oil and sandalwood oil. None of the formulations appearing on page 9 disclose the combination of a moisture retaining component and sesquiterpene alcohol as claimed. Accordingly there is no direct teaching of formulating a composition which comprises a moisture retaining component as claimed in conjunction with a sesquiterpene alcohol. The disclosure of this reference fails to anticipate the claimed invention.

Beerse et al. U.S. 5,968,539 describes a rinse-off antimicrobial composition comprising an antimicrobial active, an anionic surfactant, a proton donating agent and water (see abstract). The antimicrobial agent may be a "natural" antibacterial active, (a natural

essential oil) including cedar wood and nerolidol (column 7, lines 35-55). As the proton donating agent, organic acids are described including, adipic acid, tartaric acid, citric acid (column 14, lines 60-67). There is no disclosure in the specification of the reasons for using lactic acid, however, lactic acid is a component of the liquid handsoap composition on column 24 and the bar soap component on column 26. In the context of the disclosure the lactic acid in the examples appears to be present as a proton donating agent. There is no suggestion in this reference of the use of the specific combination of a moisture retaining agent as claimed and a sesquiterpene alcohol. None of the examples recite the combination of a moisture retaining agent as claimed and a sesquiterpene alcohol.

In contrast, the present invention is directed to a cosmetic composition which comprises at least one moisture retaining component selected from the group consisting of amino acids and salts thereof, urea and glycinebetaine; and at least one sesquiterpene alcohol. Applicant notes that the claims have been amended to recite the specific moisture retaining components for which have been illustrated in applicant's specification. As there is no suggestion of moisturizing effects for the combination of components as claimed, nor any suggestion of improved moisturizing effects, the claimed invention is clearly neither anticipated nor obvious over the cited references and accordingly withdrawal of the rejections under 35 U.S.C. §102(b) is respectfully requested.

Applicant notes that the Official action indicates that JP 55-19291 was not considered as a copy of the reference was not supplied with the Information Disclosure Statement of March 30, 2002. Applicants note that JP 55-19291 is listed an equivalent to U.S. 4,424,234 a copy of which has been submitted to the U.S.P.T.O. and accordingly the disclosure of JP 55-19291 should be cumulative to the disclosure of U.S. 4,424,234.

Finally, applicant acknowledges the examiner's request for a new title. The examiner

in invited to provide a new title as such is within the authority of the examiner.

Applicants submit this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

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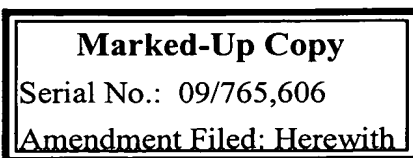
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IN THE CLAIMS

Please amend the claims as follows:

--1. (Amended) A cosmetic composition, which comprises the following components

(A) and (B):

(A) at least one moisture retaining component selected from the group consisting of amino acids and salts thereof, [pyrrolidonecarboxylic acid and salts thereof, lactic acid and salts thereof,] urea and [betaine] glycinebetaine; and

(B) at least one sesquiterpene alcohol.

Claims 3-14 (new)